

UTAH AIR QUALITY BOARD MEETING
January 3, 2007

DRAFT MINUTES

I. Call to Order

John Veranth called the meeting to order at 1:38 PM

Board members present:

Nan Bunker, Jim Horrocks, Dianne R Nielson, Wayne Samuelson, Joann Seghini, Don Sorensen, Ernest Wessman, Scott Lawson and John Veranth.

Executive Secretary: Richard W. Sprott

Board members excused:

Stead Burwell and Jerry Grover

II. Date of the Next Air Quality Board Meeting

February 7, 2007 will be set as a tentative date for the next Board meeting.

III. Approval of the Minutes for December 6, 2006 Board Meeting

One minor change was noted.

- Mr. Wessman made the motion to approve December 6, 2006 minutes. Mr. Sorensen seconded and the Board approved unanimously.

IV. Final Adoption: 8-Hour Ozone Maintenance Provisions for Salt Lake and Davis Counties, to replace Section IX.D of the Utah State Implementation Plan (SIP), and R307-110-13, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; R307-320, Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program; R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions; R307-326, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries; R307-327, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage; R307-328, Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage; R307-335, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent

Cleaning Operations; R307-340, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes; R307-341, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt; R307-342, Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks; R307-343, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations; and R307-101-2, Definitions. Presented by Robert Clark.

Mr. Clark stated that on September 6, 2006 the Board proposed the document, *8-Hour Ozone Maintenance Provisions for Salt Lake and Davis Counties*, to replace Section IX.D of the Utah State Implementation Plan (SIP). The Board also proposed changes to the associated rules to make them compatible with the new 8-Hour Ozone Maintenance Plan. A 30-day public comment period was held, and a public hearing was conducted on October 17, 2006. No comments related to these proposals were made at the public hearing; however, some written comments were received. These written comments suggested clarifying changes to the SIP and some of the rules. No substantive changes have been made. A summary of the comments and staff responses is attached, as well as a copy of the updated SIP and rules reflecting the responses to the comments received. The staff recommends that the Board adopt the Ozone Maintenance Plan, and all of the unchanged proposed and revised rules.

- Mr. Wessman made the motion to adopt 8-Hour Ozone Maintenance Provisions for Salt Lake and Davis Counties, to replace Section IX.D of the Utah State Implementation Plan (SIP), and R307-110-13, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; R307-320, Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program; R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions; R307-326, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries; R307-327, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage; R307-328, Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage; R307-335, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations; R307-340, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes; R307-341, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt; R307-342, Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks; R307-343, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations; and R307-101-2, Definitions. Ms. Bunker seconded and the Board approved unanimously.

V. Final Action: Delete R307-332, Stage II Vapor Recovery Systems. Presented by Robert Clark.

Mr. Clark stated that on September 6, 2006, the Board proposed to delete R307-332, Stage II Vapor Recovery Systems. A 30-day public comment period was held, and a public hearing was conducted on October 17, 2006. No comments related to this rule were received either at the public hearing or during the public comment period. The staff recommends that R307-332 be deleted.

- Mr. Wessman made the motion to delete R307-332, Stage II Vapor Recovery Systems. Mr. Lawson seconded and the Board approved unanimously.

VI. Establishing the Schedules for Hearing for Sierra Club Appeals of IPP and Sevier Power Approval Orders. Presented by Fred Nelson.

Due to an administrative error Sierra Club's proposed schedule and memorandum were not provided to the Board prior to the meeting. The Board adjourned at 1:59 PM to review the documentation. They reconvened at 2:32 PM after review of Sierra Club's proposed schedule.

Mr. Nelson wanted the Board to know that Millard County would not intervene and PacifiCorp will not intervene in the IPP matter but will request intervention in Sevier Power. He then stated that discovery involves request for admissions, interrogatories, and depositions. Expert witnesses have specific discovery provisions under the rules. Document requests are another part of discovery.

Joro Walker and David Becker, attorneys for Sierra Club and Grand Canyon Trust, then presented their proposal. Ms. Walker first stated that there was a rule citation correction, 307 vs. 304, in their package. She explained that Utah rules for civil procedures apply under the state Administrative Procedures Act. Because the AQB has no discovery rules, the civil procedure rules apply which would allow 330 days. Mr. Rawson stated that the Board is not required to apply the time schedules in the civil procedure rules. Then Ms. Walker stated that the Utah Supreme Court ruled that the process must be fair, it must be a meaningful hearing and it must review issues of significant public importance. Ms. Walker noted that DAQ has not responded to Sierra Club's request for Agency Action. They requested the administrative records for the permits be prepared before a schedule for discovery can begin.

Mr. Brian Burnett, attorney for Sevier Power in the absence of Fred Finlinson stated that he would like Sevier Power to present first and felt that the Sierra Club does not need more time.

Ms. Walker urged for more time and stated she doesn't want the hearing to be concurrent with the IPP hearing.

Mr. Blaine Rawson, attorney for IPSC stated that there may be possible conflicts by Mr. Veranth due to his contributions to Western Resource Advocates. Mr. Veranth stated the Board could consider another presiding officer.

- Mr. Horrocks made the motion that the Board hold the Sevier Power hearing during the month of September 2007 and discovery be completed by end of July, 2007. The IPP hearing would be held during the month of November 2007 with discovery completed by the end of August 2007. Mr. Sorensen seconded and the Board approved unanimously. The Board asked that the parties meet and provide a schedule for the two matters consistent with these dates for hearing.
- After discussion of whether Ms. Nielson could serve as presiding officer, Mr. Sorensen made the motion that Mr. Horrocks be appointed as interim presiding officer. Ms. Bunker seconded and the Board approved unanimously.

VII. Informational Items

A. Regional Haze: Sulfur Dioxide Milestone Report for 2005. Presented by Jan Miller.

Ms. Miller is retiring from Air Quality. Mr. Sprott stated that she has been a tremendous asset to the division and everyone will miss her.

B. Compliance. Presented by Bryce Bird.

C. HAPS. Presented by Robert Ford.

D. Monitoring. Presented by Bob Dalley.

Mr. Veranth stated that due to length of the meeting the informational items would not be addressed.

Meeting adjourned at 5:14 PM.